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09/657,519	09/08/2000	Marco Bottazzi	3572-21	1677

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,519

Applicant(s)

BOTTAZZI ET AL.

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: in line 3, the phrase "at least partially off" appears to be better phrased as "substantially away from".
Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziarno (US 5,696,366). Ziarno et al discloses the following.

As described in Claims 1, 19, 25, 31, 35 and 36;

1. a plurality of cradles (see element (1999) and col. 30, lines 47-53)
for a corresponding plurality of portable terminals (100) to be withdrawn
and used by the customers of the shopping center for product data
acquisition (the phrase "to be withdrawn..." are not given patentable
weight because it is "intended use" language—also, such terminals could
be recognized by one ordinarily skilled in the art as being able to be used
for such customers as well as by those giving donations);

2. means for identifying each customer enabled to use the portable terminals (see col. 32, lines 63-67 and 33, lines 1-2);
3. means for communicating to each identified customer, *in response to said identifying means, a correspondent* terminal to be withdrawn from the dispensing device for the product data acquisition; (See col. 32, lines 40-54, noting that such means appears to include manual communication by voice as well as other functional equivalents such as random taking of a terminal by a recipient. See also col. 34, lines 11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)
4. a data control and processing unit ((903) (see figures 1a and 4), (120) (see figure 2) or (3397) (see figure 23)) *for controlling* the identifying means and the communicating means; (Again, note that the phrase "for controlling..." language has no patentable weight as it is considered to be intended use language, but that nevertheless, the system of Ziarno discloses control of identification means, such as card reader (307), and processes the data in a variety of ways, such as tabulation of gifts.)
5. said plurality of cradles, said identifying means, said communication means, and said control unit are housed in a single housing (see col. 30, lines 47-53);
6. and wherein said plurality of cradles are housed in a substantially flat portion of said housing, *said substantially flat portion being* provided in

close proximity of the customer identifying means so as to allow access to said plurality of terminals (see figure 1, element (100, for example);

(Note that the system of Ziarno will work in either a church or a shopping center environment. Note also that one ordinarily skilled in the art would recognize that donations can readily be solicited in shopping centers, since people who might be willing to donate might congregate there.)

As described in Claim 2;

7. said portion for housing said terminals is substantially horizontal (see figure 1);

As described in Claim 3;

8. said portion of housing said terminals comprises a box-shaped body including a plurality of compartments constituting said plurality of terminal cradles; (Note that although element (100) is cylindrical, it is a functional equivalent of a box and that figures 6 and 9 disclose more box-like structures.)

As described in Claims 4 and 41;

9. each compartment of said plurality of compartments is adapted to house a terminal of said plurality of terminals and comprises locking/unlocking means of the terminal housed therein (see col. 31, lines 47-54);

As described in Claim 5;

10. said box-shaped body comprises first electrical connectors adapted to cooperate with second electrical connectors provided on the terminals (see col. 30, lines 63-67 and col. 31, lines 1-8);

As described in Claims 6 and 36;

11. each compartment of said plurality of compartments comprises;
 - a. a first upper aperture for inserting the terminal, wherein a vertical axis and a terminal insertion axis inclined by a predetermined angle with respect to the vertical axis are defined;
 - b. a second lower service aperture below the first aperture;
 - c. means for guiding the terminal into the compartment;

(Note that this is considered to be obvious to one skilled in the art.

Danielson et al (US 5,805,474) discloses such a port structure at figure 9, for example. Koenck et al (US 5,469,948) discloses another port structure also having first and second apertures. It would have been expedient for one ordinarily skilled in the art to use such a structure as well as a matter of design choice as to what port structure to use based upon the requirements of the design of the portable terminal. Note also the motivation described in Ziarno at col. 30, lines 63-67 and col. 31, lines 1-8)

As described in Claim 7;

12. said second aperture has a size larger than that of said first aperture (see Danielson, for example);

As described in Claim 8;

13. each said compartment of said plurality of compartments comprises a terminal support element arranged *at least partially off* a projection of the first aperture along the vertical axis (see Danielson, figure 9, noting that if element (132) is a first aperture, the rest of the housing (165) can be construed to be a terminal support element);

As described in Claim 9;

14. said terminal support element comprises opposed guiding walls inclined at said predetermined angle with respect to said vertical axis (note that Danielson in figure 9 illustrates such opposing wall structure (121 and 144);

15. one of said walls comprises a support step for contacting a lower end of the terminal (see Danielson, noting that (123) is a support step that contacts the terminal);

16. the support step being arranged outside the projection of the first aperture along the vertical axis (note Danielson, (123) which appears to fit this criterion in that if surface (132) were projected vertically, element (123) appears to slop away from the projection);

As described in Claim 10;

17. said box-shaped body comprises a covering surface provided with a plurality of holes at said first terminal insertion apertures (see Ziarno, figure 5, for example);

As described in Claim 11;

18. means for moving the housing (note that official notice is taken that it is well-known in the art to make a stationary item portable by placing wheels on such a structure);

As described in Claim 12;

19. the customer identifying means comprises at least any one of the following means;

magnetic card reader, smart card reader, bar code reader, optical receiver, radio or mobile phone receiver, a fingerprint reader, fingerprint or retina detector, a device for entering a numerical code, or a voice detector (note Ziarno, col. 23, lines 33-36, for example);

As described in Claims 13 and 42;

20. the means for communicating to identified customers the terminals to be withdrawn comprises at least any one of the following means;

visual communication means on a display or monitor, visual communication means in the proximity of each cradle of said plurality of cradles, sound or voice communication means, terminal lifting means, terminal lifting means provided into each cradle of said plurality of cradles; (See col. 32, lines 40-54, noting that such means appears to include manual communication by voice as well as other functional equivalents such as random taking of a terminal by a recipient. See also col. 34, lines

11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)

20a. each compartment has a terminal lifting mechanism for selectively lifting the terminal allocated to the entitled customer relative to the compartment (note that it would be expedient for one ordinarily skilled in the art to provide a spring, relay or other mechanism and that lifting the device by hand is a functional equivalent);

As described in Claims 14 or 33;

21. the communicating means provides one of marketing information, promotional information and a discount voucher (note that figure 21a of Ziarno, for example);

As described in Claim 15;

The dispensing device according to Claim 1, further comprising one of the following:

22a. data transmission *means to an optical type terminal;*

22b. data transmission *means to a radio type terminal;*

22c. data transmission *means from an optical type terminal;*

22d. data transmission *means from a radio type terminal;*

(see col. 10, lines 38-45, noting that optical and radio type terminals are considered to be functional equivalents to each other);

As described in Claim 16;

23. said housing comprises a charge/discharge circuit for batteries of the terminals (7778);

As described in Claims 17 and 40;

24. said compartment comprises at least one sensor for indicating presence and/or correct arrangement of the terminal into the compartment (note col. 31, lines 47-54, noting that if the pins are not correctly locked, then the system will recognize the connection as being broken or unbroken);

As described in Claim 18;

25. said housing comprises means for printing one of ticket, marketing or promotional information and a discount voucher (note that figure 21a of Ziarno, for example);

As described in Claims 21 and 26;

26. said control station is in remote position with respect to said at least one terminal dispenser (see figures 1 or 23, for example);

26a. said means for downloading the product data is provided in remote position with respect to the terminal dispenser (see figure 23, for example);

As described in Claims 22-23 or 32;

27. said connection network is a wireless local network;

28. said connection network is a geographic network;

(Note that these are functional equivalents of each other and that Ziarno discloses connection to a network at col. 29, line 67 and col. 30, lines 1 and 2)

As described in Claim 24;

29. means for downloading the product data acquired through the terminals (computer (3397), for example);

30. means for computing, as a function of the acquired data, an amount to be paid (see col. 17, lines 14 and 15, which tallies a number of monetary contributions, of which calculating a total can be construed as computing an amount to be paid);

As described in Claims 28 and 34;

31. a means to charge an amount to be paid directly to a bank account of the customer (note debit card (150) in col. 17, lines 22-26);

32. said means for charging the amount to be paid is controlled by the terminal (note that tallier routine (S480) is run by the processor of the system);

As described in Claim 29;

32. wherein at least a portion of the terminals used for acquiring the product data is dispensed to the customers for personal use (note that a donator/customer could be construed to be using the portable terminal of Ziarno for personal use to personally contribute money or gifts to entities);

As described in Claim 30;

33. wherein at least a portion of the terminals used for acquiring the product data belongs to the customers (note that it would be expedient for one ordinarily skilled in the art to allow a customer a part ownership in a terminal);

As described in Claim 37;

34. a compartment further wall which is opposed to the compartment first wall (see Danielson, per prior discussion);

As described in Claim 38;

35. each compartment has a lower service aperture situated beneath the upper aperture (See Danielson, for example, which shows that surface (132) resides above a lower surface, each of which can be construed to define in part an individual service aperture);

As described in Claim 39;

36. the support step has a first electrical connector thereon for mating with a second electrical connector on the terminal (see Danielson, for example or Ziarno, which necessarily have an electrical connector on the docking station which connects with a second connector residing on the portable terminal);

As described in Claim 43;

37. wherein when contacting the support step, two thirds of a longest aspect of the terminal along the predetermined angle extends out of the compartment (note that it would be a matter of design choice as to how

much of the terminal to be exposed outside the docking port, based upon the requirements of the particular portable terminal and docking port requirements);

4. Claims 1, 6, 13, 17, 19, 25, 31 and 35-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziarno in view of Danielson et al (US 5,805,474), and further in view of Burke (US 5,621,640). Ziarno discloses the following.

As described in Claims 1, 19, 25, 31, 35 and 36;

1. a plurality of cradles (see element (1999) and col. 30, lines 47-53) for a corresponding plurality of portable terminals (100) to be withdrawn and used by the customers of the shopping center for product data acquisition (the phrase "to be withdrawn..." are not given patentable weight because it is "intended use" language—also, such terminals could be recognized by one ordinarily skilled in the art as being able to be used for such customers as well as by those giving donations);
2. means for identifying each customer enabled to use the portable terminals (see col. 32, lines 63-67 and 33, lines 1-2);
3. means for communicating to each identified customer, *in response to said identifying means*, a *correspondent* terminal to be withdrawn from the dispensing device for the product data acquisition; (See col. 32, lines 40-54, noting that such means appears to include manual communication by voice as well as other functional equivalents such as random taking of

a terminal by a recipient. See also col. 34, lines 11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)

4. a data control and processing unit ((903) (see figures 1a and 4), (120) (see figure 2) or (3397) (see figure 23)) *for controlling* the identifying means and the communicating means; (Again, note that the phrase “for controlling...” language has no patentable weight as it is considered to be intended use language, but that nevertheless, the system of Ziarno discloses control of identification means, such as card reader (307), and processes the data in a variety of ways, such as tabulation of gifts.)

5. said plurality of cradles, said identifying means, said communication means, and said control unit are housed in a single housing (see col. 30, lines 47-53);

6. and wherein said plurality of cradles are housed in a substantially flat portion of said housing, *said substantially flat portion being* provided in close proximity of the customer identifying means so as to allow access to said plurality of terminals (see figure 1, element (100, for example);

(Note that the system of Ziarno will work in either a church or a shopping center environment. Note also that one ordinarily skilled in the art would recognize that donations can readily be solicited in shopping centers, since people who might be willing to donate might congregate there. Additionally, note that “product data” can be construed to be data related

to a product, the product being construed as either the amount of money donated or the charity the donor wishes the donation to go to.)

As described in Claims 17 and 40;

24. said compartment comprises at least one sensor for indicating presence and/or correct arrangement of the terminal into the compartment (note col. 31, lines 47-54, noting that if the pins are not correctly locked, then the system will recognize the connection as being broken or unbroken);

As described in Claims 13 and 42;

20. the means for communicating to identified customers the terminals to be withdrawn comprises at least any one of the following means;
visual communication means on a display or monitor, visual communication means in the proximity of each cradle of said plurality of cradles, sound or voice communication means, terminal lifting means, terminal lifting means provided into each cradle of said plurality of cradles; (See col. 32, lines 40-54, noting that such means appears to include manual communication by voice as well as other functional equivalents such as random taking of a terminal by a recipient. See also col. 34, lines 11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)

20a. each compartment has a terminal lifting mechanism for selectively lifting the terminal allocated to the entitled customer relative to the compartment (note that it would be expedient for one ordinarily skilled in the art to provide a spring, relay or other mechanism and that lifting the device by hand is a functional equivalent);

As described in Claim 43;

37. wherein when contacting the support step, two thirds of a longest aspect of the terminal along the predetermined angle extends out of the compartment (note that it would be a matter of design choice as to how much of the terminal to be exposed outside the docking port, based upon the requirements of the particular portable terminal and docking port requirements);

Ziarno does not expressly disclose, but Burke discloses the following.

As described in Claims 35, 44, 45 and 46;

6. *wherein at least one of said portable terminals is a code reading device to be connected to a personal terminal belonging to a customer;*

6a. *said data control and processing unit further processes the product data acquired through said terminals;*

(Note that Burke discloses use of a bar code reader to read a product identification into a cash register. The hand held device of Ziarno may be construed as a portable cash register in that it handles transactions, including credit card transactions, which are considered to be functional equivalents of cash. See Burke, col. 2, lines 53-56 and col. 3, lines 19-22 and 36-48.)

Both Ziarno and Burke are considered to be analogous art because they both concern hand-held data acquisition devices.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used the bar code reading device of Burke on the device of Ziarno.

The suggestion/motivation would have been to provide a means of using the system of Ziarno in a shopping environment, so as to maximize the possibility of the donation of excess money in a product transaction to a charity. See Burke, col. 1, lines 9-23 and 36-50.

Ziarno does not expressly disclose, but Danielson discloses the following.

As described in Claims 6 and 36;

11. each compartment of said plurality of compartments comprises;

- a. a first upper aperture for inserting the terminal, wherein a vertical axis and a terminal insertion axis inclined by a predetermined angle with respect to the vertical axis are defined;
- b. a second lower service aperture below the first aperture;
- c. means for guiding the terminal into the compartment;

(Note that this is considered to be obvious to one skilled in the art.

Danielson et al (US 5,805,474) discloses such a port structure at figure 9, for example. Koenck et al (US 5,469,948) discloses another port structure also having first and second apertures. It would have been expedient for one ordinarily skilled in the art to use such a structure as well as a matter of design choice as to what port structure to use based upon the requirements of the design of the portable terminal. Note also the motivation described in Ziarno at col. 30, lines 63-67 and col. 31, lines 1-8)

As described in Claim 37;

- 34. a compartment further wall which is opposed to the compartment first wall (see Danielson, per prior discussion);

As described in Claim 38;

- 35. each compartment has a lower service aperture situated beneath the upper aperture (See Danielson, for example, which shows that surface (132) resides above a lower surface, each of which can be construed to define in part an individual service aperture);

As described in Claim 39;

36. the support step has a first electrical connector thereon for mating with a second electrical connector on the terminal (see Danielson, for example or Ziarno, which necessarily have an electrical connector on the docking station which connects with a second connector residing on the portable terminal);

As described in Claims 17 and 40;

24. said compartment comprises at least one sensor for indicating presence and/or correct arrangement of the terminal into the compartment (note col. 31, lines 47-54, noting that if the pins are not correctly locked, then the system will recognize the connection as being broken or unbroken);

As described in Claims 13 and 42;

20. the means for communicating to identified customers the terminals to be withdrawn comprises at least any one of the following means;

visual communication means on a display or monitor, visual communication means in the proximity of each cradle of said plurality of cradles, sound or voice communication means, terminal lifting means, terminal lifting means provided into each cradle of said plurality of cradles; (See col. 32, lines 40-54, noting that such means appears to include manual communication by voice as well as other functional equivalents such as random taking of a terminal by a recipient. See also col. 34, lines

11-18, which describes remote initialization of a terminal and col. 30, lines 3-13.)

20a. each compartment has a terminal lifting mechanism for selectively lifting the terminal allocated to the entitled customer relative to the compartment (note that it would be expedient for one ordinarily skilled in the art to provide a spring, relay or other mechanism and that lifting the device by hand is a functional equivalent);

As described in Claim 43;

37. wherein when contacting the support step, two thirds of a longest aspect of the terminal along the predetermined angle extends out of the compartment (note that it would be a matter of design choice as to how much of the terminal to be exposed outside the docking port, based upon the requirements of the particular portable terminal and docking port requirements);

Both Ziarno and Danielson are considered to be analogous art because they both concern hand-held data acquisition devices.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used the compartment configuration of Danielson for interfacing the hand-held devices to the entire system of Ziarno.

The suggestion/motivation would have been to provide a means of docking the hand-held device for storage, data transfer, or battery charging operations. See Danielson, col. 5, lines 5-10. Note also figures 4 and 9, which illustrate such a docking aperture as well as figure 5, elements 7002 and 1999 of Ziarno, which also illustrate a docking aperture, but which do not describe further details of such aperture as Danielson.

Therefore, it would have been obvious to obtain the invention as described in Applicant's claims 1, 6, 13, 17, 19, 25, 31 and 35-46.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tracy et al (US 6,199,753 B1) is cited as an example of a hand-held customer transaction terminal system.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro
Examiner
Art Unit 3653

February 20, 2004



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600